

**11—68.6(19B) Discrimination complaints, including disability-related and sexual harassment complaints.** Each agency shall take proper and immediate action to investigate complaints of alleged discrimination. The director shall investigate any discrimination complaint against an agency as the director deems necessary, and attempt to negotiate a settlement to resolve a complaint. All information gathered in the course of an investigation, including, but not limited to, investigative reports prepared by the department, is confidential and shall not be released to persons outside the department unless the director deems such disclosure to be in the best interest of the state or unless ordered by a court. This rule does not supersede the remedies provided under Iowa Code chapter 216.

**68.6(1) General procedures.** Each agency shall:

- a. Identify employees who are to receive and investigate discrimination complaints.
- b. Investigate all complaints of discrimination using, at a minimum, the procedural guidelines established by the department, and fully document all such investigations.
- c. Provide, where possible, for the informal resolution of all complaints.
- d. Report the filing of all discrimination complaints to the director as follows:
  - (1) Inform the director immediately upon receipt or notice of any alleged employment discrimination complaints filed against the agency under any federal, state, or local regulations.
  - (2) Provide the director with information describing allegations and issues involved.
  - (3) Provide a copy of any proposed resolution and supporting documentation to the director for review prior to the final disposition of complaints.
  - (4) Inform the director within five workdays following official notice of any suit filed in a court of law alleging employment discrimination and naming the state or the agency as a party to the alleged discrimination.

**68.6(2) Sexual harassment complaint procedures.** All employees shall have access to agency internal grievance procedures as authorized by Iowa Code section 19B.12. Each agency shall investigate all allegations of sexual harassment and utilize, at a minimum, procedural guidelines established by the department. Agencies shall additionally:

- a. Identify the employee who is to receive and investigate complaints of sexual harassment.
- b. Affirmatively address issues of sexual harassment and take immediate and effective measures to investigate and correct any sexual harassment identified.
- c. Provide that sexual harassment complaints shall be resolved as follows:
  - (1) Aggrieved employees shall bring work-related complaints against employees and nonemployees to the attention of their immediate supervisor. Employees may also direct their complaints to the next higher supervisor, the employee identified by the agency to receive and investigate complaints of sexual harassment, or to the director.
  - (2) Aggrieved nonemployees shall bring work-related complaints against employees to the attention of the agency management or supervisory personnel, the employee identified by the agency to receive and investigate complaints of sexual harassment, or to the director. The agency shall take into consideration the extent of the agency's control.
- d. Submit investigation findings and remedies to the director for review prior to the final disposition of complaints.